

**UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF NEW YORK**

Wilson Jacobson, P.C.
The Inns of Court Building
99 Court Street
Suite 2
White Plains, New York 10601-4264
(914) 997-0825
FAX (914) 997-0830

Attorneys for Plaintiff

SPACE AGE ALARMS, INC.,

Plaintiff

-against-

**THE BOARD OF EDUCATION OF THE WHITE
PLAINS CITY SCHOOL DISTRICT , MICHAEL
J. LYNCH AND ALARM SPECIALISTS, INC.**

Defendants.

)
)
) Civil Action No. 07 CV 7606
) (CLB) (MDF)
) **ECF CASE**

NOTICE OF MOTION FOR RELIEF FROM JUDGMENT

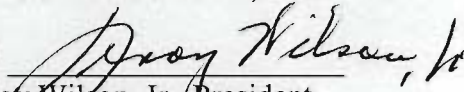
(Fed. R. Civ. P. 60(b) (1))

PLEASE TAKE NOTICE that upon the attached Motion, Declaration of Leroy Wilson Jr, Esq., dated July 11, 2008, and exhibits annexed thereto, and the Memorandum of Law submitted herewith, and upon all prior pleadings and proceedings herein, the Plaintiff will move this Court, at the Courthouse, 300 Quarropas Street, Courtroom 218, White Plains, New York, on September 12, 2008, at 10:00A.M., or as soon thereafter as counsel may be heard, for an order pursuant to Fed. R. Civ. P. 60(b) (1), to vacate and set aside the Judgment of this Court entered on March 13, 2008 on the grounds that the Court made a mistake by entering the Judgment.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 6.1 (b) any opposing affidavits and answering memoranda shall be served within ten business days after service of the moving papers, and any reply affidavits and memoranda of law shall be served within five business days after service of the answering papers.

Dated: White Plains, New York
July 11 2008

WILSON JACOBSON, P.C

By: 
Leroy Wilson, Jr., President
(Bar Code No. LWJr 2473)
Attorney for Plaintiff
The Inns of Court Building
99 Court Street, Suite 2
White Plains, NY 10601-4264
(914) 997-0825
Fax (914) 994-0830

(Of Counsel, Roni L. Jacobson, Esq.,
Bar Code No. RJ 9691)

To:

Michael G. McAlvin, Esq.
Ingerman Smith, LLP
Attorneys for Defendants School District
and Lynch
150 Motor Parkway
Suite 400
Hauppauge, New York 11788
1-631-261-8834

Hugh G. Jasne, Esq.
Jasne & Florio, L.L.P.
Attorneys for Defendant Alarm Specialists,
Inc.
525 North Broadway
White Plains, NY 10603
1-914-997-1212

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MOTION FOR RELIEF FROM JUDGMENT

(Fed. R. Civ. P. 60(b) (1))

The plaintiff moves this Court, pursuant to Fed. R. Civ. P. 60(b) (1) for an order to vacate and set aside the Judgment entered in this action on March 13, 2008 on the following grounds:

Grounds for Motion

1. This matter is now back before this Court on remand from the Second Circuit pursuant to its mandate entered on June 26, 2008.
2. The Court had entered a final Judgment on March 13, 2008 dismissing the complaint and closing out the case without giving the plaintiff leave to amend the complaint after

the Court twice stated at oral argument on the motion that it would give the plaintiff leave to amend.

3. The Judgment should be vacated and set aside because of this mistake by the Court within the meaning of Rule 60(b) (1) of the Federal Rules of Civil Procedure.

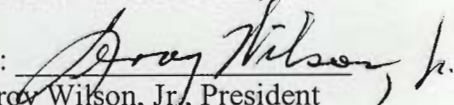
4. The annexed Declaration sets out the facts to support this motion.

Record on Motion

5. This motion is based on this document, the annexed Declaration of Leroy Wilson, Jr., the annexed Notice of Motion, Certificate of Service, the Memorandum of Law In support of the Motion to Vacate and Set Aside the Judgment, and other records on file in this action and whatever oral argument that might be necessary at the hearing of this motion, if any.

Dated: White Plains, New York
July 11 2008

WILSON JACOBSON, P.C

By: 
Leroy Wilson, Jr., President
(Bar Code No. LWJr 2473)
Attorney for Plaintiff
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